

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

Mallissa McPherson,)
)
Plaintiff,) Case No. 16 C 50375
)
vs.)
)
Rockford Public Schools,) Judge Philip G. Reinhard
)
Defendant.)

ORDER

For the reasons stated below, this case is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted. Plaintiff's motion for attorney representation [4] is denied and her application to proceed in forma pauperis [3] is denied as moot.

STATEMENT-OPINION

Plaintiff, Mallissa McPherson, pro se, brings this action against defendant, the Rockford Public Schools. Plaintiff has filed an application to proceed in forma pauperis [3] and a motion for attorney representation [4].

Plaintiff used a fill in the blank complaint form¹, which she obtained from the collection of forms available to litigants in this court's clerk's office, to submit her complaint. The form she chose to use is the form designated for use by prisoners to submit their civil rights claims. Plaintiff is not a prisoner so her decision to use this form was not particularly helpful. In the caption of the complaint she lists her name as Mallissa McPherson. In the section of the body of the form provided for identifying the plaintiff, she lists her name as Kateri Walker David. On the line designated: "List all aliases" she lists Mallissa McPherson. On the complaint's signature line, she wrote "Kateri Walker David" and on the line supplied for printing her name she wrote "Princess Diana." Because plaintiff chose to use the form designed for prisoners, the form required a list of all lawsuits filed by the plaintiff in any state or federal court. Plaintiff filled in this portion of the complaint listing a prior suit against the same defendant, with an approximate date of filing of "10-2010". She indicated it was filed in the "17th District" and that the basic

¹http://www.ilnd.uscourts.gov/_assets/_documents/_forms/_online/1983EDForm092007.pdf

claim made was “conspiracy to commit murder”, that the disposition of the case was “pending” and the approximate date of disposition was “10-2010”.

In the portion of the complaint provided for the statement of her claim, plaintiff wrote only the following: “I asked politely for the school district to stop harassing my children. That is what I meant. I asked the teacher to stop harassing my children & family that is what the fuck I meant.”

These allegations are insufficient to state a claim as they are too vague for the defendant to figure out how to respond to them. Nothing indicates what the harassing conduct was, when it occurred, or who did the harassing. Plaintiff fails to state a claim upon which relief can be granted and, therefore, this case is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Plaintiff’s motion for appointment of counsel is denied. “If a plaintiff makes a reasonable attempt to secure counsel, the court must examine whether the difficulty of the case - factually or legally - exceeds the particular plaintiff’s capacity as a layperson to coherently present it.” Childress v. Walker, 787 F.3d 433, 443 (7th Cir. 2015) (quotation marks and citation omitted). Plaintiff has not met the threshold burden. Her motion indicates she did not contact any attorneys about representing her. Her reason given for being unable to find an attorney is “I am representing myself.”

Plaintiff has filed numerous actions in this court or which have been removed to this court. Case No. 16cv50369, which is also being dismissed by the court today, lists 21 defendants and 20 additional plaintiffs, other than plaintiff. All of the other cases plaintiff had in this court have been dismissed. Those cases are 14cv50186, 16cv3256, 14cv50093, 16cv50010, 11cv50138, and 11cv50149. The court views this case as frivolous and plaintiff is warned that future filings of this type may result in sanctions against the plaintiff.

For the foregoing reasons, this case is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted. Plaintiff’s motion for attorney representation [4] is denied and her application to proceed in forma pauperis [3] is denied as moot.

Date: 2/02/2017

ENTER:

Philip G. Reinhard
United States District Court Judge

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